APPENDIX.

Sec. 11564, Page, Ohio General Code:

> ". . . the party excepting must reduce his objections to writing, and file them in the cause, not later than forty (40) days after the overruling of the motion for a new trial, or the decision of the court, when the motion for a new trial is not filed. . . . And provided further that where a motion is filed in the Supreme Court for an order compelling the Court of Appeals to certify its record or when error proceedings as of right are instituted and a motion is filed to dismiss the error proceedings, the bill of exceptions shall be filed in the Court of Appeals, not later than twenty days from allowing such motion to certify, or overruling the motion to dismiss the error proceedings as of right."

Sec. 11566, Page, Ohio General Code:

> "The trial judge or judges, upon the receipt of the bill shall indorse thereon the date it was received, and within five days thereafter correct it, if necessary, allow and sign such bill, and immediately transmit or cause it to be transmitted to the office of the clerk from whom it was received, with any amendment or objections thereto."

Art. IV, Sec. 2, Constitution of Ohio:

> "The Supreme Court shall . . . have . . . appellate jurisdiction in all cases involving questions arising under the constitution of the United States or of this state . . . and in cases which originated in the courts of appeals. . . . In cases of public or great general interest the Supreme Court may, within such limitation of time as may be prescribed by law, direct any Court of Appeals to certify its record to the Supreme Court, and may review, and affirm, modify or reverse the judgment of the Court of Appeals. . . ."

Rule II, Sec. 1, Rules of Practice of the Supreme Court of Ohio:

> "In all appeals to this Court from the judgment of a Court of Appeals the appellant shall . . . state

in his notice of appeal, filed in the Court of Appeals, whether the appeal is taken to this Court:

(a) in a case involving a constitutional question,

(b) in a case originating in the Court of Appeals,

(c) on condition that a motion to certify be allowed by this Court. . . ."

Sec. 1527, Page, Ohio General Code:

"On the filing of an affidavit of a party to such cause or matter or of his or her counsel, setting forth the fact of such interest, bias, prejudice, or disqualification, the clerk of the Court of Appeals wherein such cause is pending shall forthwith enter the fact of the filing of such affidavit on the trial docket of such court, and forthwith notify the chief justice of the Supreme Court, who shall hear and determine the fact of such disqualification and if found to be disqualified shall forthwith make an order transferring, for the time being, the judge named in such affidavit to another district in exchange for a judge of such other district who is qualified to sit in the trial or hearing of such cause or matter, and designate and appoint such judge from such other district to take the place of the judge so disqualified, in the hearing of any such cause or matter where the same is pending. The order therefor shall be entered upon the journal of such court and the judge designated to take the place of the judge disqualified shall proceed to perform the duties so assigned him. The judge disqualified shall not sit in the trial or hearing of such cause or matter."

Article IV, Sec. 6, Constitution of Ohio:

". . . The chief justice of the Supreme Court of the state shall determine the disability or disqualification of any judge of the Courts of Appeals and he may assign any judge of the Courts of Appeals to any county to hold court."

Sec. 11672, Page, Ohio General Code:

"When execution is levied upon lands and tenements, the officer who makes the levy shall call an in-

quest of three disinterested freeholders, residents of the county where the lands taken in execution are situated, and administer to them an oath impartially to appraise the property so levied upon, upon actual view. They forthwith shall return to such officer, under their hands, an estimate of the real value of the property in money."

Sec. 11631, Page, Ohio General Code:

"The . . . Court of Appeals may vacate or modify its own judgment or order, after the term at which it was made: . . .

3. For mistake, neglect or omission of the clerk, or irregularity in obtaining a judgment or order. . . ."

Section 11637, Page, Ohio General Code:

"A judgment shall not be vacated on motion or petition until it is adjudged that there is a valid defense to the action in which the judgment was rendered; or, if the plaintiff seeks its vacation, that there is a valid cause of action. . . ."

Section 11640:

". . . Proceedings for the causes mentioned in divisions three and six of [section 11631] . . . must be commenced within three years. . . ."